

REMARKS

Claims 1-17 are pending in the Application. Claims 1-17 stand rejected. Claims 1 and 14 are independent claims.

Claims 1 and 14 stand rejected under 35 U.S.C. '102(e) as allegedly being anticipated by Kim (U.S. 6,678,289 B2). Applicant respectfully traverses the rejections.

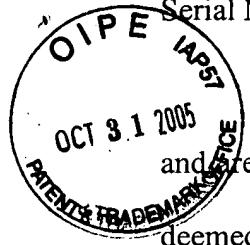
Claim 1, as amended, recites, *inter alia*, “the gain waveguide is disposed on the grating layer in a direct contact with the first grating.” Claim 14 recites a similar feature. Support for the amendment can be found in Figure 4, which illustrates a gain waveguide that is in a direct contact with a grating.

Kim, as read by applicant, teaches a laser apparatus containing a first active layer, which the Office Action equates with the present gain waveguide, being disposed above the first grating interposed between the first active layer and the cladding layer (Column 3, line 21-24; Figure 1). However, Kim does not show that its gain waveguide is disposed on the grating layer in a direct contact with the first grating, as recited in claim 1. Instead, Kim teaches that the first active layer is separated from the grating by a small spatial gap that is filled with the lower cladding layer (Figure 1).

As Kim fails to teach and or anticipate “a gain-clamped semiconductor optical amplifier comprising: a gain waveguide... and a grating layer..., wherein the gain waveguide is disposed on the grating layer in direct contact with the first grating,” as recited in claims 1 and 14, applicant respectfully requests a withdrawal of the rejections on claims 1 and 14 in accordance to such non-anticipation.

Amendment

Serial No. 10/825,816



Other claims in this application are each dependent on the independent claims 1 and 14 and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

For all of the foregoing reasons, it is respectfully submitted that the present Application is patentable in view of cited reference. A notice to that effect is respectfully solicited.

If any issues remain which may be best resolved through a telephone communication, the Examiner is requested to kindly telephone the undersigned telephone number listed below.

Respectfully submitted,

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A handwritten signature of Steve Cha.

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 28, 2005.

Steve Cha, Reg. No. 44,069
(Name of Registered Rep.)

A handwritten signature of Steve Cha followed by the text "(Signature and Date)".